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Amendments to the Drawings

A new Figure 3-3 is attached hereto as **Exhibit A**.

Applicant submits that new Fig 3-3 does not introduce new matter. Fig. 3-3 is similar to Fig. 3-2 and illustrates the aspect of determining whether a transaction is eligible to be treated as a B2B transaction, based on customer side information other than quantity information of the initial order. Such aspect is discussed in the application as originally filed, such as at, for example, page 7, line 17 through page 8, line 4, and page 9, lines 18-24. More specifically, if the specified quantity is below the third predetermined number, but it is determined that the transaction is eligible to be treated as a B2B transaction based on information other than quantity information (e.g. the identity of the customer, the time of the initial order, the mix of the specified products ordered, the requested time and mode of delivery, etc.), then the seller side can display information such as a B2B transaction and promotion, information about the third predetermined number, and a notification of the difference between the quantity ordered and the third predetermined number needed to qualify for the B2B promotion.

Attachment: New sheet of drawings for Figure 3-3

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REMARKS

Claims 45 and 47-64 were pending, with claims 1-44 and 46 having previously been canceled, without prejudice or disclaimer. By this Amendment, claims 51, 53, 55, 57, 61, 63 and 64 have been canceled without prejudice or disclaimer, claims 45, 47, 50, 52, 54, 56, 58-60 and 62 have been amended to clarify the claimed subject matter, and new claims 65-71 have been added. Claims 45, 47-50, 52, 54, 56, 58-60, 62 and 65-71 would be pending upon entry of this amendment, with claims 45, 52 and 58 being in independent form.

Claims 45-60 and 62-64 were rejected under 35 U.S.C. § 103(a) as purportedly unpatentable over Mesaros (US 7,124,099) in view of Rubin (US 6,078,897) and further in view of Postelnik (US 2006/0218054 A1). Claim 61 was rejected under 35 U.S.C. § 103(a) as purportedly unpatentable over Mesaros in view of Rubin and Postelnik and further in view of Unold et al. (US 2002/0055880 A1).

Applicant respectfully submits that the present application is allowable over the cited art, for at least the reason that the cited art fails to disclose or suggest the aspects of (a) determining **based on an initial specified quantity** whether said initial order is to be treated as a *retail-customer-to-business transaction* or as a *business-to-business transaction*, and (b) determining based on said **customer side information** if said initial order is eligible to be treated as a *business-to-business (B2B) transaction*, and (c) *if it is determined based on said customer side information that said initial order is eligible to be treated as a B2B transaction*, the seller side calculates a quantity difference to qualify for the B2B transaction and promotion, displays the quantity difference along with B2B transaction and promotion information at the customer side, and provides the customer side with an option of modifying the order.

Such aspects are discussed by way of example in the present application, such as at, for

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example, page 7, line 17 through page 8, line 4, and page 9, lines 18-24, wherein even if a transaction does not qualify for the B2B transaction based on quantity information, it may instead be determined that a transaction is eligible to be treated as a B2B transaction *based on information other than quantity information* (i.e. customer side information, such as the identity of the customer, the time of the initial order, the mix of the products ordered, the requested time and mode of delivery, etc.). If it is so determined, then the seller side can display information such as a B2B transaction and promotion, information about the third predetermined number, and a notification of the difference between the quantity ordered and the third predetermined number needed to qualify for the B2B transaction.

Thus, in the aforementioned aspects, a quantity difference calculation may be triggered based on more than simply *the specified quantity of the originally proposed order*. For example, even if a small proposed order does not qualify for the B2B promotion based on the small specified quantity of the order (and even if the small order is not identified as being 'upgradable' to receive the B2B promotion due to the small specified quantity), the transaction may still be eligible for the B2B promotion, based on *information other than quantity information* (e.g. the identity of the customer, the time of the initial order, the mix of the specified products ordered, the requested time and mode of delivery, etc.). This customer side information may be used to determine that, for example, the small order is originating from a business entity that may still respond to a B2B promotion. Thus, the small original order is still eligible to be treated as a B2B transaction.

Mesaros and Rubin, as already discussed amply in the record, and as acknowledged in the Office Action, do not disclose or suggest making any determination based on customer side information and/or an initial specified quantity whether an initial order is to be treated as a *retail-*

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customer-to-business transaction or as a *B2B transaction*.

Postelnik, as understood by applicant and discussed already in the record, proposes determining whether the type of initial order is an actual order for goods or services, a request to view information, a request to return an item, a request to cancel a previous order, etc.).

However, Postelnik does NOT disclose or suggest determining, based on customer side information and/or an initial specified quantity, whether an initial order is to be treated as a *retail-customer-to-business transaction* (i.e. a transaction between a retail customer entity and a business entity) or as a *B2B transaction* (i.e. a transaction between a business entity and another business entity).

Further, none of the cited references discloses or suggests that *if it is determined based on said customer side information that said initial order is eligible to be treated as a B2B transaction*, then the seller side calculates a quantity difference to qualify for the B2B transaction and promotion, displays the quantity difference along with B2B transaction and promotion information at the customer side.

The apparatus in Rubin accepts a proposed order and identifies additional orders that can be combined with the proposed order, only to obtain the next immediate higher volume discount than would be obtained by submitting the proposed order itself. (Rubin col. 4, lines 8-31).

In the example of Rubin, an order with a volume of at least 50 receives a 10% discount and order with a volume of at least 100 receives a 15% discount. Rubin will **only** suggest increasing an order to reach a volume of 100 (in order to receive the 15% discount), if the proposed order is already in the immediate lower range of 50-99, since 100 is the next immediate higher volume discount. Rubin will **NOT** suggest increasing an order to reach a volume of 100 (in order to receive the 15% discount), if the proposed order is in the range of 0-49, for example.

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Thus, any quantity difference calculation in the cited art is triggered based only on the specified quantity of the originally proposed order.

The cited art is entirely silent as to the aforementioned aspects of the present application of triggering a quantity difference calculation, *if it is determined based on said customer side information that said initial order is eligible to be treated as a business-to-business transaction*.

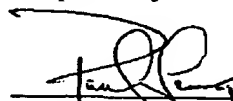
Applicant respectfully submits that the cited art, even when considered along with common sense and common knowledge to one skilled in the art, simply does not teach or suggest the aforementioned aspects of the present application.

Accordingly, applicant respectfully submits that independent claims 45, 52 and 58, and the claims depending therefrom, are allowable over the cited art. Applicant earnestly solicits the allowance of the application.

If the Examiner can suggest an amendment that would advance this application to condition for allowance, the Examiner is respectfully requested to call the undersigned attorney.

If a petition for an extension of time is required to make this response timely, this paper should be considered to be such a petition. The Patent Office is hereby authorized to charge any required fees, and to credit any overpayment, to our Deposit Account No. 03-3125.

Respectfully submitted,



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RJM

EXHIBIT A

to
AMENDMENT
(Application No. 09/760,864)